

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11 CR 76**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>CHRISTOPHER FRANK JONES.</b>	)	
	)	
	)	

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**THIS CAUSE** coming on to be heard and being heard before the undersigned at the close of a Rule 11 proceeding that was held before this court on September 27, 2011. It appeared to the court at the call of this matter on for hearing the defendant was present with his attorney, Rodney G. Hasty and the government was present and represented through Assistant United States Attorney Tom Kent. From the arguments of counsel for the defendant and the arguments of the Assistant United States Attorney and the records in this cause, the court makes the following findings:

**Findings.** On September 13, 2011 a bill of information was issued charging the defendant with being in possession of a firearm having been previously convicted of one or more crimes punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1). On September 27, 2011, the undersigned held an inquiry, pursuant to Rule 11 of the Federal Rules of Criminal Procedure and accepted a plea of guilty of the defendant to the charge. At the end of the Rule 11 proceeding, this court presented the issue of whether or not the defendant should now be detained,

pursuant to 18 U.S.C. § 3143(a)(2).

**Discussion.** 18 U.S.C. § 3143(a)(2) provides as follows:

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless ----

(A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; or

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

From an examination of the records in this cause, it appears the defendant has now entered a plea of guilty on September 27, 2011 to the crime as alleged in the bill of information. That crime is one of the crimes that is referenced under 18 U.S.C. § 3142(f)(1)(A). The undersigned made an inquiry of Assistant United States Attorney Tom Kent as to whether or not there was going to be a recommendation that no sentence of imprisonment be imposed upon the defendant. Mr. Kent advised the court that such a recommendation would be made in this matter. Mr. Kent further advised the court that the government was recommending that the defendant be released on terms and conditions of pretrial release. As a result of the recommendation made by the Assistant United States Attorney and the pretrial

services report issued by the United States Probation Office, the undersigned finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to the safety of any other person or the community.

## ORDER

**IT IS, THEREFORE, ORDERED**, that defendant be **RELEASED** on terms and conditions of pretrial release as has been entered in this matter.

Signed: October 4, 2011

Dennis L. Howell  
Dennis L. Howell  
United States Magistrate Judge

